

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

UNITED STATES OF AMERICA,

v.

Criminal Action No. 3:02-cr-00231  
Honorable Robert C. Chambers

JOHN DAVID MOONEY,

Defendant.

ORDER

Pending before this Court is the Defendant's Motion for Reimbursement of Special Assessment. The Defendant, having had his plea vacated on appeal and the indictment against him subsequently dismissed with prejudice, is no longer convicted of an offense against the United States. Therefore, Defendant is entitled to reimbursement of the one hundred dollars (\$100.00) special assessment paid by Defendant during his incarceration.

Accordingly, Defendant's motion is GRANTED and the Clerk of the United States District Court for the Southern District of West Virginia is hereby DIRECTED to reimburse Defendant, John David Mooney, one hundred dollars (\$100.00), being the full amount paid by Defendant in satisfying the special assessment imposed upon an invalid conviction.

The Clerk is further directed to send a copy of this Order to counsel of record.

IT IS SO ORDERED this 20 day of Nov., 2007.

ENTER:

  
ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE

